

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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LANCE ALYN BENSON,
Plaintiff,
v.
JOHN DOWBAK, et al.,
Defendants.

No. 2:21-cv-1650 WBS AC P

ORDER

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After the court adopted the Magistrate Judge's Findings and Recommendations and dismissed the case, plaintiff appealed. (See Docket Nos. 44, 51, 53.) The Ninth Circuit has now referred the matter back to this court "for the limited purpose of determining whether in forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken in bad faith" under 28 U.S.C. § 1915(a)(3) and Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002). (Docket No. 57.)

For the reasons discussed in the Magistrate Judge's Findings and Recommendations, the court finds that plaintiff's

1 appeal is frivolous. As noted by the Magistrate Judge, plaintiff
2 was told multiple times that (1) his complaint must contain a
3 short, plain statement of his claims and that he cannot include
4 unrelated claims and defendants in one complaint, and (2) failure
5 to remedy his complaints would result in a recommendation of
6 dismissal. (Docket No. 44 at 5-6.) In light of these multiple
7 warnings, plaintiff "does not appear willing to comply with the
8 orders of the court and providing future opportunities to comply
9 appears futile." (Id.)¹ Accordingly, plaintiff's in forma
10 pauperis status is hereby REVOKED. See Hooker, 302 F.3d at 1092.
11 The Clerk of Court shall promptly notify the Ninth Circuit and
12 the parties of this determination and order.

13 IT IS SO ORDERED.

14 Dated: October 21, 2022


15 **WILLIAM B. SHUBB**
16 **UNITED STATES DISTRICT JUDGE**

26 ¹ Notwithstanding these warnings from the Magistrate
27 Judge, plaintiff's most recent complaint is "comprised of
28 numerous different claims about a variety of unrelated incidents
involving over one hundred people." (Id.; see Docket No. 43.)